

R E M A R K S

Claim 19 was rejected under 35 USC 112 because, according to the Examiner the limitation “the SR3511 protocol” lacks sufficient antecedent basis. Applicants respectfully traverse. When there is only one thing in existence, such as “the World” or “the Internet,” one does not need to previously define “a world” or “an Internet” in order to establish a proper antecedent basis because there is no lack of clarity. The same principle applies to “the SR3511 protocol” because there is only one such protocol. Note that claim 19 also specifies **an** “ITU-T protocol” because there may be more than one such protocol.

Claims 1 and 16-21 were rejected under 35 USC 102 as being anticipated by Friedlander et al, US Patent 6,122,363. Applicants respectfully traverse.

The Examiner asserts a correspondence between communication server 502 of the reference and the “database” of claim 1, and asserts a correspondence between transaction server 504 of the reference and the “intelligent peripheral” of claim 1. The Examiner further asserts that the transaction server receives the alert message of claim 1, stating

e.g., protocol-specific service request message, See Claim 8, Claim 9 and Claim 11.

Applicants respectfully disagree, and first note that claim 1 specifies that an alert message is sent from the database to the intelligent peripheral which

specifies a communications protocol for communication between said database unit and said intelligent peripheral.

The claim does NOT state that the alert message comports, or is in accord, with some protocol. Rather, it states that the alert message specifies a protocol, and that specified protocol is for something other than the alert message; to wit, “for communication between said database unit and said intelligent peripheral” (emphasis supplied).

Addressing the Examiner’s reference to claims 8, 9 and 11, it is true that the term “protocol specific service request message” is found in claims 8, 9 and 11, but while it is clear that the message is a service request message – which suggests that it is not an alert message – , it is not at all clear from the claim what the phrase “protocol-specific” means. Fortunately, claim terms must have support in the specification, and this term is indeed

mentioned in the specification, albeit only once. At col. 1 col. 1, lines 63-67 (within the “definitions” segment of the *Background of the Invention* section) the test states:

Protocol Data Unit (PDU) – A message of a given protocol comprising payload and protocol-specific control information, typically contained in a message header. PDUs pass over the protocol interfaces that exist between the layers of protocols (per the OSI model).

As best understood, this teaches that a PDU is a message that consists of a payload portion and a header portion, and that the header portion has control information that is protocol-specific. So, a PDU that operates in the context of protocol Z is a message that contains control information in its header that is recognized by a recipient of this message when that recipient operates according to protocol Z. (Note that the X.25 protocol is mentioned, and that the SS7 protocol is mentioned, in addition to the different protocol layers of the OSI model. Also the INAP, INAP+ and ADF protocols are mentioned.)

It is respectfully submitted, therefore, that the claims pointed to by the Examiner refer to service request messages of a given protocol, and those messages carry control information that is protocol-specific. Those messages specify a service request, and the request contains protocol-specific information, but they do NOT specify a protocol for (subsequent) communication.

This difference makes claim 1 not anticipated by the ‘363 reference.

Further, clause (b) of claim 1 specifies

with reference to a database within said intelligent peripheral, establishing a connection between said database unit and said intelligent peripheral to operate in accord with a protocol pointed to by said protocol parameter,

The Examiner repeats this clause and basically attaches to it the assertion that the ‘363 reference teaches this step. No support for the assertion is provided.

Respectfully, the assertion is not supported by any teaching of the reference.

Although the service application (520) of the reference is coupled to a database (col. 12, line 16), that database is used by the service application to extract therefrom information for a “dialing plan information field” and NOT for “establishing a connection between said database unit and said intelligent peripheral to operate in accord with a protocol pointed to by said protocol parameter.” It is noted that there seems to be actually no teaching relative to the establishment of a connection between the

transactions serve and the communications server though, of course, connections exist (521, and 529).

This difference makes claim 1 also not anticipated by the '363 reference.

Further still, clause (d) of claim 1 (amended to correct an ambiguity) specifies communicating information between said switch and said intelligent peripheral over a bearer connection between them that is established for effecting said service, and associated with said call.

The Examiner asserts that this step is taught in col. 8, lines 1-6. Applicants respectfully disagree. The cited passage (starting with the second word, which is the beginning of a sentence) states:

Accordingly, the Communication Server distributes the service request only to an available Transaction Server that supports the service indicated by the Service Key. Transaction Server A returns service response 1 (e.g., "MONITOR") and call context to Communications Server A. Service response 1 is then communicated to the switch"

This suggests that a communication Server can connect to a number of Transaction Servers, that a particular service request is sent to a particular one of the Transaction Servers (one that supports the service indicated by the Service Key), and that the Transaction server "returns," i.e., to the Communication Server, a "service response 1." There is no mention in this passage of any communicating of information **between** any **switch** (such as switch 506 in FIG. 5A or switch 560 in FIG. 5B and the **transaction server**. It is noted that FIGS. 5A and 5B also do not show any connection between the Transaction server and any switch. Whatever communication the Transaction Server is involved with, it is solely with the Communications Server.

This difference also makes claim 1 unanticipated by the '363 reference.

To summarize, claim 1 differs from the '363 reference in at least three aspects, and each one of them makes claim 1 not anticipated by the '363 reference.

Regarding claim 16, it is first noted that the Examiner has made no explicit assertions in support of the rejection.

Like claim 1 it contains a step of a control element sending an alert message that specifies "a protocol to be used in interactions between the intelligent peripheral and the database." For the reasons expressed in connection with claim 1, this step makes claim 16 not anticipated by the '363 reference.

Further, claim 16 specifies a step where the intelligent peripheral, in response to the alert message, selects

from among a stored plurality of software modules, a software module for employing in implementing said interactions between the intelligent peripheral and the database according to the protocol specified in said alert message.

Nothing like that is taught in the reference, and this fact constitutes another reason to hold claim 16 not anticipated by the ‘363 reference.

Further still, claim 16 specifies a step where the control element (most closely corresponding to the Communication Server of the reference) sends a message to the switch that is triggered the following sequence of steps: the switch receives a call, sends information to the control element, the control element identifies a service, and sends the aforementioned alert message, “informing said switch of a bearer connection set up between said switch and said intelligent peripheral.” No such message is taught in the reference, and no such bearer connection is taught by the reference (as demonstrated in connection with claim 1). This constitutes yet another reason to hold claim 16 not anticipated by the reference.

A number of additional differences are found in subsequent steps of claim 16. For one, the step of setting up the bearer connection is not found in the reference (which is not surprising since such a bearer connection is not employed in the reference). Additionally, the step of the intelligent peripheral performing a task requested by the control element “employing said bearer connection as necessary” is not found in the reference which, again, is not surprising since such a bearer connection is not employed in the reference. Additionally still, the step of the intelligent peripheral informing the control element that the task is completed is not found in the reference and that, too, is not surprising, for such a step is necessary only because the task may be completed without involvement by the control element, so the control element needs to be informed separately. Lastly, the step of dismantling the bearer connection is not found in the reference because, once again, there is no bearer connection to begin with.

To summarize, there are many aspects of claim 16 – addressed above – which differ from the teachings of the ‘363 reference, and each one of them makes claim 16 not anticipated by the reference.

Claims 17-21 depend on claim 16 and they are, therefore, also not anticipated by the '363 reference. Moreover the dependent claims contain limitations that are not taught in the reference.

The Examiner asserts that claim 17 is taught by the text at col. 8, lines 56-67. Applicants respectfully disagree. The text pointed to by the Examiner states, in part:

An operation represents an INAP message type (e.g., PROVIDE INSTRUCTIONS, EVENT, etc.) in which the receiving process performs a specific operation in a stage of the call dialog, in accordance with the message type.

This clearly indicates that the message causes the performance of a “specific operation in a stage of the call dialog,” which is diametrically opposite of claim 17, which specifies that the alert message is “devoid of any request to perform any task pertaining to said call.” Moreover, the message pointed to by the Examiner is NOT a message of the type that claim 17 specifies; to wit, an alert message “specifying a protocol to be used in subsequent interactions between the intelligent peripheral and the database.” For each of these two reasons, claim 17 is not anticipated by the '363 reference, independently of the other limitations found in base claim 16.

Regarding claim 18, which further limits the alert message, the Examiner points to col. 7, lines 16-27, but the pointed-to passage does not discuss any messages, and certainly not any message that contains the limitations of claim 18. As for claims 8, 9 and 11, these claims refer to “protocol-specific service request” messages. There is no teaching that such messages have the function to “solely to establish a protocol between said intelligent peripheral and said control element.” In fact, if anything, the characterization of these messages (as “service request” messages) strongly suggest that their function is to request service. Again, this is diametrically opposite of what claim 18 specifies. Therefore, it is respectfully submitted that claim 18 is not anticipated by the '363 reference, independently of the other limitations found in base claim 16.

Regarding claim 20, the Examiner points to col. 8, lines 1-6 and to col. 8, lines 30-67. As for the lines 1-6 passage, the arguments above demonstrated that this passage does not teach or suggest a bearer connection from the intelligent peripheral to any switch, and it follows, therefore, that it does not teach a connection as specified in claim 20. The lines 30-67 passage also does not specify any bearer connection from the

intelligent peripheral to any switch. Therefore, it is respectfully submitted that claim 20 is not anticipated by the '363 reference, independently of the other limitations found in base claim 16.

Regarding claim 21, the Examiner asserts that the subject matter defined in claim 21 is taught in cols, 7-8, lines 52-17. Applicants respectfully disagree. The passage pointed to by the Examiner pertains to FIG. 4. It is clear that FIG. 4 depicts service requests from Communication Server A to Transaction Server A, and corresponding service responses. There are NO messages that inform that a task was completed, preceded by (and hence separate from) from a step of "said intelligent peripheral sending results of said one or more tasks to said control element." Therefore, it is respectfully submitted that claim 21 is not anticipated by the '363 reference, independently of the other limitations found in base claim 16.

In light of the above amendments and remarks, it is respectfully submitted that all of the Examiner's objections and rejections have been overcome. Reconsideration and allowance of claim 1, 16-21 are respectfully solicited.

Respectfully,
Wesley A. Brush
James M. Carnazza
Romel Khan

Dated: 10/3/2009

By /Henry Brendzel/
Henry T. Brendzel
Reg. No. 26,844
Phone (973) 467-2025
Fax (973) 467-6589
email brendzel@comcast.net